

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2006-0029
)	Mandatory Minimum Penalty for
)	Violation of California Water Code § 13376
Ojai Valley Sanitary District)	and
Ojai Valley WWTP)	Order No. R4-2003-0087
Ojai, California 93023)	(NPDES No. CA0053961)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385, subdivision (i) is issued to Ojai Valley Sanitary District (hereinafter Permittee) based on findings of violations of waste discharge requirements prescribed in Order No. R4-2003-0087 (NPDES No. CA0053961, CI No. 4245).

The Executive Officer (Executive Officer) of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee operates the Ojai Valley Wastewater Treatment Plant (hereinafter facility) located at 6363 North Ventura Avenue, Ventura. The Permittee can discharge up to 3 million gallons per day (MGD) of tertiary-treated domestic and industrial wastewater at the facility (Latitude 34°20'33", Longitude 119°17'26"). The wastewater is susceptible of exhibiting turbidity and containing coliform and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows to the Ventura River, a navigable water of the United States.
2. On June 5, 2003, the Regional Board adopted Order No. R4-2003-0087, which prescribes waste discharge requirements to the Permittee for the discharge of treated wastes from the facility.
3. Order No. R4-2003-0087 (Part I.B, 5 and 6, page 25) includes the following effluent limitations for coliform and turbidity:

Coliform:

"The wastes discharged to watercourses shall at all times be adequately disinfected. For the purpose of this requirement, the wastes discharged shall be considered adequately disinfected if the median concentration of total coliform organisms at the end of the UV channel during normal operation when the UV system is in use, and at the end of the chlorine contact chamber when the backup method is used, does not exceed 7-day median of 2.2 per 100 milliliters, and the number of coliform organisms does not exceed 23 per 100 milliliters in more than one sample within any 30-day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 ml. The median value shall be determined

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from the bacteriological results of the last seven (7) days for which analysis have been completed.”

Turbidity:

“For the protection of the water contact recreation beneficial use, the wastes discharged to watercourses shall have received adequate treatment, so that the turbidity of the wastewater does not exceed a daily average of 2 Nephelometric turbidity units (NTUs), and does not exceed 5 NTUs more than 5 percent of the time (72 minutes) during any 24 hour period.”

Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.

4. Among the provisions in the Permittee’s waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit monthly NPDES self-monitoring reports to the Regional Board pursuant to the authority of CWC § 13383.
5. Forty-seven (47) violations of Order No. R4-2003-0087 were noted in the Permittee’s self-monitoring reports during the period February 2004 through February 2005. These violations include effluent limit exceedances for coliform and turbidity. The violations are identified in Table 1 attached hereto and incorporated herein by reference.
6. CWC § 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.
7. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
8. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

9. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$123,000 for the violations which occurred during the period February 2004 through February 2005. Refer to Table 1 for the calculation of the amount of mandatory minimum penalty.
10. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323. The Permittee will be notified of the date, time and location of the hearing. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite

200, Los Angeles, CA 90013, to be received by the Regional Board by the close of business on April 19, 2006. If the hearing is waived, the following options are available to satisfy the civil liability:

- a. A check in the amount of \$123,000 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver; or
- b. The Permittee may pay up to \$69,000 of the civil liability by contributing to a SEP on the Regional Board approved SEP List at <http://www.waterboards.ca.gov/losangeles/html/programs/enforcement.html>. To the greatest degree practicable, there must be a nexus demonstrated with the violations cited in this Complaint and the chosen SEP.

In the event that the Permittee elects to contribute to a SEP, a check in the amount of \$54,000 (payable to the State Water Pollution Cleanup and Abatement Account) shall accompany the signed waiver along with a written statement indicating the SEP chosen and proof of payment of the penalty balance to the SEP shall be submitted to the Regional Board by the close of business on April 19, 2006.

11. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.
12. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
13. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

Jonathan S. Bishop
Executive Officer

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By signing below and returning this Waiver, I hereby waive the right of Ojai Valley Sanitary District to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2006-0029 (Complaint) issued by the Regional Board Executive Officer. Ojai Valley Sanitary District understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

☐ Enclosed herewith are a \$54,000 check payable to “State Water Pollution Cleanup and Abatement Account” and proof of payment of at least \$69,000 to a Supplemental Environmental Project (SEP) listed on the Regional Board-approved SEP list.

I hereby affirm that I am duly authorized to act on behalf of and to bind Ojai Valley Sanitary District in the making and giving of this Waiver.

Position: _____